



DELTA INDEPENDENT SCIENCE BOARD MEMBER SPOTLIGHT

Judy Meyer

Delta Independent Science Board (DISB) member Judy Meyer not only studies water systems for a living, she surrounds herself with it. Where she calls home is an island in the Pacific Northwest.

The nationally recognized expert on aquatic ecology and rivers sports a 27-page curriculum vitae that lists more than 10 pages of published works. When she's not publishing, she's teaching and advising. The 2003 Professor Emeritus from the University of Georgia's Odum School of Ecology supports numerous advisory boards and national committees from all corners of the country.

Meyer's interests in water range from river-floodplain exchanges to aquatic ecosystem restoration, but she's most excited about the opportunity to help implement an adaptive management plan in the Delta.

Q. What is your interest in water policy?

As an aquatic ecologist, I know that conditions in many aquatic ecosystems are declining and that human activities have played a role in the decline. My interest in policy stems from my conviction that society has the opportunity to improve conditions in aquatic ecosystems through wise policy decisions, and that science is needed to help guide those decisions so that both human and ecosystem needs are taken into account. While on the faculty at University of Georgia, I helped



Judy Meyer, member of the Delta Independent Science Board, says she's excited about the opportunity to help implement an adaptive management plan in the Delta.

Photo courtesy of the Delta Stewardship Council

COUNCIL RELEASES DRAFT EIR

Draft Delta Plan, five alternatives reviewed for environmental impact

After thousands of comments on drafts of the Delta Plan and countless hours of preparation, the Delta Stewardship Council released its draft programmatic Environmental Impact Report (EIR) Nov. 4.

The draft EIR is a technical document designed to analyze the fifth staff draft of the Delta Plan and five alternatives to determine the best method to achieve the coequal goals of providing a more reliable water supply while protecting and enhancing the Delta ecosystem, through the Delta Plan.

With the draft EIR now posted, the Council has begun a 60-day comment period to hear from stakeholders and members of the public until Jan. 3. While the law requires a 45-day comment period, the Council will provide 60 days of review and also will hold in-person, public hearings to discuss the draft EIR.

The EIR analyzes the environmental impacts of the Council's Fifth Staff Draft as well as five other alternatives, including: (1) A no project alternative; (2) Two alternatives with increased emphasis on water supply reliability; (3) One alternative with increased emphasis on Delta ecosystem restoration; and (4) One alternative with increased emphasis on protection and enhancement of Delta communities and culture.

The five alternatives studied were based on comments, input, and, in some cases, alternative plans received from statewide water users and environmentalists and Delta interests and communities.

"We either make progress or we revert to the *status quo*, which serves no one. We have to take real steps forward and rely on the best available science and adaptive management in order to do that."

**Council Executive Officer,
Joe Grindstaff**

SCHEDULE FOR THE DELTA PLAN

Milestones on the Horizon

As the Delta Stewardship Council moves closer toward adopting a final Delta Plan, there are still many benchmarks to be met and—as always—many comments to be reviewed.

The Council met one of those benchmarks Nov. 4 when it released its draft environmental impact report (EIR), which provides an environmental review for the Fifth Staff Draft Delta Plan and five alternatives.

After a 60-day public review scheduled to conclude Jan. 3, staff will then begin preparing written responses to comments received on the draft EIR, which will most likely be published in March.

In February and March, staff will consider changes to the Fifth Staff Draft Delta Plan in light of comments received and develop a sixth Staff Draft, receive additional comments and present a final draft to the Council. The adopted Delta Plan then will be submitted to the Office of Administrative Law (OAL) for review and an additional 45-day public comment period.

Delta Stewardship Council members stressed the importance of diligence during the plan-drafting process.

“It’s important we do a thoughtful plan,” said Council member Gloria Gray.

“The Delta Plan will be foundational,” added Executive Officer Joe Grindstaff. “It will point the way for other agencies moving forward to meet the coequal goals.”

How Regulations Become Law



COMMISSION MAKES PROGRESS ON KEY PLAN

The Delta Protection Commission has approved the latest version of the Economic Sustainability Plan (ESP), but the document is still a work in progress.

Executive Director of the Commission, Mike Machado, told the Delta Stewardship Council during a recent meeting that the majority of work has been done, but some changes may still occur.

“The document is basically final, subject to any major changes from the peer review panel,” Machado said.

Sponsored by the Delta Science Program, the peer review panel, which met Nov. 1-2, consisted of professors and professionals from across the country specializing in everything from civil engineering and earthquake stability to geology and economics.

“I believe we have a plan that reflects the activities of the Delta—current activities and future activities—as they relate to the economics of the Delta.”

Council Member and Delta Protection Commission Chair Don Nottoli

The chair of the peer review panel, Bob Gilbert, a civil engineering professor at the University of Texas, offered the group’s initial assessment of the ESP.

“This report provides a good starting point to conduct a comprehensive cost-benefit analysis, but its recommendations are not well supported because the report is not itself a cost-benefit analysis,” Gilbert said.

Gilbert went on to say that the ESP provides a valuable baseline understanding of the Delta economy and offers “creative and potentially viable” ideas for strengthening both the Delta’s economy and its levees.

The peer review panel will issue its formal review in early December and Gilbert will present its findings to the Council at the Dec. 15 meeting.

The ESP is a document required by the Delta Reform Act of 2009 – the same legislation that created the Council – and it offers a variety of recommendations regarding agriculture, recreation, tourism and infrastructure services including:

See Key Plan, Page 4

Draft EIR, Continued from Page 1

The draft EIR concludes that the draft Delta Plan, which contains 12 proposed regulations and 61 recommendations, is environmentally superior to the alternatives because it advocates a hybrid regulatory and collaborative approach for achieving the coequal goals.

While the draft Delta Plan has short-term impacts, it offers more collective long-term benefits when compared to the other five alternatives in the key areas of: water supply reliability, ecosystem restoration, water quality improvement, flood risk reduction and enhancement of the Delta as a place, according to the EIR.

Council Executive Officer Joe Grindstaff acknowledges that there is still a long way to go, but that stagnation is not an option.

“We either make progress or we revert to the *status quo*, which serves no one,” Grindstaff said. “We have to take real steps forward and rely on the best available science and adaptive management in order to do that.”

To view the draft EIR, click [HERE](#).

To view the public hearing meeting notice, click [HERE](#).



The Draft Delta Plan Program Environmental Impact Report (EIR) is an environmental review of the Fifth Staff Draft Delta Plan and five alternative plans aimed at meeting the coequal goals of water supply reliability and ecosystem restoration.

EIR HEARINGS TO TAKE PLACE IN AND AROUND STATE CAPITOL

Public invited to comment on draft environmental review

The Delta Stewardship Council will convene a minimum of two public hearings over the next two months—in addition to accepting written and electronic correspondence—to hear public comment.

While the law requires a 45-day comment period and does not require public hearings, the Council will provide 60 days of review and will hold two in-person, public hearings to discuss the draft EIR on Thursday, Nov. 17, from 1:00 p.m. to 4:30 p.m. at the Sheraton Grand Hotel in Sacramento, and on Thursday, Dec. 15, from 1:00 p.m. to 4:30 p.m. at the California State Capitol, Room 447.

The Council will make a decision on additional hearings at its Nov. 17 meeting. Any additional details will be posted on the Council's website, at DELTA-COUNCIL.CA.GOV.

To view the draft EIR, click [HERE](#).

To view the public hearing meeting notice, click [HERE](#).

HOW TO COMMENT

Submit comments anytime through (and including) Jan. 3, 2012.

- Email: EIRCOMMENTS@DELTACOUNCIL.CA.GOV
- Mail: Delta Stewardship Council, 980 Ninth Street, Suite 1500, Sacramento, CA 95814, Attn: Terry Macaulay
- To submit a comment electronically, click [HERE](#).

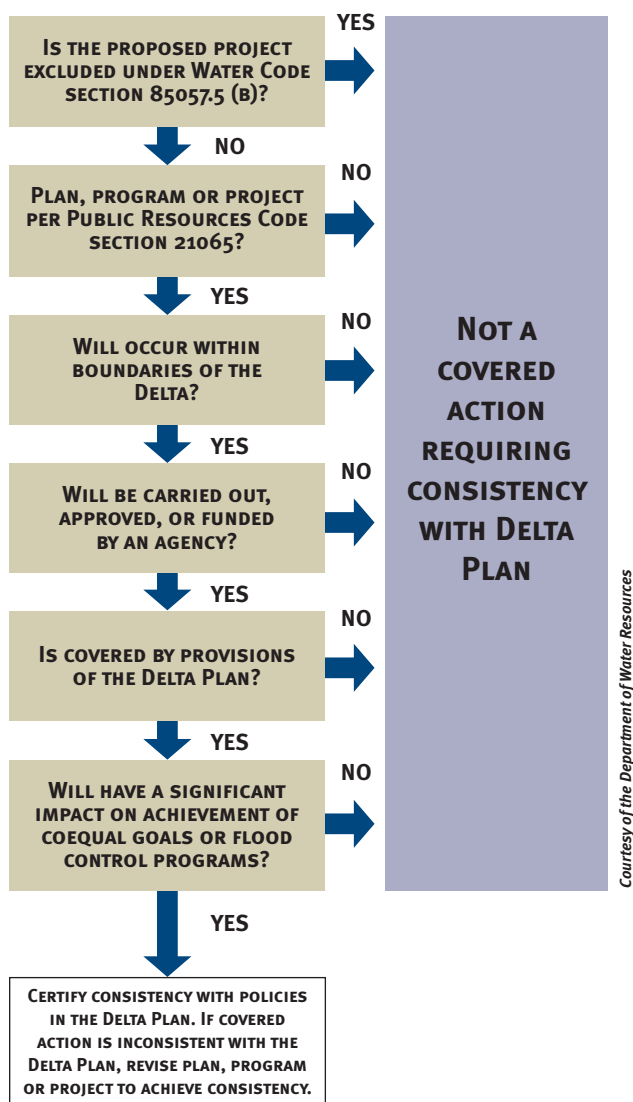
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WORK SESSION FOR COVERED ACTIONS

The Delta Stewardship Council will hold another work session to explain and discuss covered actions, one of the most talked about parts of the Delta Plan.

The work session will likely be in late November in Sacramento.

Decision Tree for State and Local Agencies on Possible Covered Actions



This chart shows the steps in identifying a covered action. Agencies retain flexibility in how to meet these responsibilities for covered actions within the parameters of other legal authorities.

See Covered Actions, Page 6

Key Plan, Continued from Page 2

- improving the levees;
- maintaining or enhancing the value of Delta agriculture;
- initiating a process to streamline local, state and federal regulations;
- limiting regulation of covered actions;
- creating an agency to build awareness about the region; and
- establishing a Delta Fund to implement recreation and tourism strategies

Machado says the current version of the ESP will hopefully provide a perspective that can help the Council develop a plan that recognizes and addresses the concerns of local government in the Delta.

Council member and Commission Chair Don Nottoli added that the ESP is the product of a lot of hard work and critical thinking.

“I believe we have a plan that reflects the activities of the Delta—current activities and future activities—as they relate to the economics of the Delta,” Nottoli said.

Earlier drafts of the ESP were released on Jul. 21 and Aug. 9, 2011. The Commission released the latest draft on Oct. 10.

To view the latest draft, click [HERE](#).

To view information on the Delta Science Program’s Peer Review Panel, click [HERE](#).



Courtesy of the Department of Water Resources

The Delta Protection Commission approved the latest version of its Economic Sustainability Plan (ESP) in October. In November, the Delta Science Program sponsored a peer review panel comprised of independent scientists from across the country. The panel will present its review of the ESP to the Council in December.

Member Spotlight, Continued from Page 1

establish the River Basin Center, which we founded to stimulate scientific research and its application to pressing issues in water policy through a trans-disciplinary collaboration among a diverse group of scientists and water policy experts. I find this kind of collaborative approach exciting and think that answering important policy questions provides opportunities for research that advance scientific understanding while also informing water management decisions.

Q. Explain your desire/willingness to sit on the Delta Independent Science Board.

Activities that are at the intersection of science and policy are both intellectually stimulating for me and of great consequence. The development and implementation of the Delta Plan is at that intersection, and provides an opportunity to apply science to decisions with broad implications. Because I am retired and no longer have the many obligations of a faculty member, I am able to devote time to activities like the DISB that I find both interesting and important. Implementation of adaptive management in the Delta Plan offers an exciting opportunity to provide scientific advice that will be essential for its success. Science is critical to effective adaptive management, which is currently being attempted in ecosystems throughout the nation. We still have much to learn about how to do this most effectively. What is being done in the Delta will be watched by practitioners around the country.

Q. What kind of unique perspective/expertise do you bring to the development of a Delta Plan?

I have taken an ecosystem approach throughout my career, which began with studies of nutrient-limited growth of marine phytoplankton, certainly a topic of interest in the Delta. Much of my research has been on water quality and nutrient cycling in rivers and streams with a focus on nitrogen and phosphorus. I directed a long-term ecological research project in the Southern Appalachians in conjunction with the U.S. Forest Service. This multidisciplinary project explored the intersection of forestry practices, atmospheric deposition, land use change, and their impacts on terrestrial and aquatic ecosystems.

I spent many years studying dissolved organic carbon (DOC) and the microbial food web that it supports in streams and rivers of the Southeast. This research involved analyses of river-floodplain linkages, which are also critical in the Delta. I have studied streams in urban centers and worked on a project evaluating river

restoration practices throughout the US, which gives me a broad perspective on restoration practices being proposed as part of the Delta Plan. I led a project that identified ecosystem flow needs in the Savannah River. I have served on several National Research Council/National Academy of Sciences reviews of restoration and adaptive management projects in other parts of the country, which has given me a sense of the promises and pitfalls of such projects.

I was a member of the CALFED ISB and also served on several research proposal review panels where I learned a great deal about the issues being faced in the Delta and of the research being done to better understand the system. My experiences as one of the founders of the River Basin Center at University of Georgia have provided insight into the kinds of scientific information that is useful to decision-makers as they confront difficult policy choices.

Q. What has your experience on the Independent Science Board been like to date?

It has been challenging because there is so much science being done by so many groups providing a wealth of information about Delta ecology and water management. Some meetings have felt like we are drinking from a fire hose! The staff of the Science Program has been extremely helpful in keeping us informed about the development of the Delta Plan and emerging issues in the Delta.

Q. What should the public and stakeholders know about the Independent Science Board's efforts?

The main task of the DISB is to review the quality of the science being used in the development and implementation of the Delta Plan. We bring perspectives from other ecosystems that are also facing challenges in reconciling human and ecosystem needs for water.

please visit our website
deltacouncil.ca.gov

Covered Actions, Continued from Page 4

In short, a covered action as defined by the Legislature is any plan, program, or project that fits the definition of a project under the California Environmental Quality Act (CEQA) and meets the four criteria under the Delta Reform Act. Those four criteria are:

- It (the plan, program, or project) will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh;
- It will be carried out, approved or funded by the state or a local public agency;
- It is covered by one or more provisions of the Delta Plan; and
- It will have a significant impact on achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property and state interests in the Delta.

“The statute [the Delta Reform Act] determines what a covered action is,” Council Chair Phil Isenberg said. “The Delta Plan is in pursuit of the coequal goals [a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem] and the objectives, and to the extent that a covered action determined by statute might impact the Delta Plan and otherwise meet the test of law, then we’d hear it.”

Simply put, the statute requires that covered actions be consistent with the Delta Plan. Accordingly, only those seeking to initiate a covered action are required to comply with the regulatory aspects of the Delta Plan.

To view upcoming meetings and workshops, click [HERE](#).

SNAPSHOTS OF THE DELTA

